Remarks/Comments

The Applicant has amended claim 1 and claims 2-8 by virtue of dependency to recite that invention is a "method for extracting and converting data <u>in a computer system</u> from one or more information sources into a common format" and that the method includes the step of "receiving said information sources <u>in a computer system</u>."

Support for this amendment is found in Figure 1, and the written description of Figure 1 at pages 16-20. No new matter is added thereby.

35 USC 101

The examiner has rejected claims 1-8 under 35 USC 101, and has alleged that the claimed invention is directed to non-statutory subject matter. The Applicant has amended claim 1 and claims 2-8 by virtue of dependency to recite that invention is a "method for extracting and converting data <u>in a computer system</u> from one or more information sources into a common format" and that the method includes the step of "receiving said information sources <u>in a computer system</u>," thereby placing the medium squarely in the definition of "statutory subject matter" as recited in the law and the MPEP.

As set forth at MPEP 2106.01, "Computer programs are often recited as part of a claim. USPTO personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim. The same result occurs when a computer program is used in a computerized process where the computer executes the instructions set forth in the computer program."

Accordingly, it is plain that claim 1 (and claims 2-8) meet the Patent Office's own standard for statutory subject matter, because claim 1 claims "method for extracting and

converting data <u>in a computer system</u> from one or more information sources into a common format" and that the method includes the step of "receiving said information sources <u>in a computer system</u>," thereby reciting that the method of claims 1-8 are being claimed as being performed by a statutory machine; a computer. According to the PTO guidelines, the claim remains statutory "irrespective of the fact that a computer program is included in the claim." Any distinction between method claims and composition of matter claims is again resolved by the PTO guidelines which recite: "the same result occurs when a computer program is used in a computerized process where the computer executes the instructions set forth in the computer program."

Accordingly, the applicant respectfully requests that the examiner withdraw her rejection of claims 1-8 as being non-statutory subject matter.

35 USC 103

The examiner has rejected claims 1-22, and 29-31 under 35 USC 103(a) as being obvious over Webber, US Patent No. 5,909,570 in view of Lennon, US Patent No. 7,287,018. In setting forth the reasons for rejecting these claims, the examiner mischaracterizes the teaching of both the Webber and Lennon references. For example, the examiner recites that Webber discloses the step of "receiving at least one pattern descriptor selected from a graphical user interface" and references the language "field descriptions 400" at col. 7, lines 9-38. However, this is factually incorrect. The "field descriptions" described by Webber are not input using a graphical user interface. As stated by Webber,

"The table field layout is for a manifest history and manifest summary dataset"

and

The table definition 150 comprises three components: 1) comments and notes 200 (optional); 2) a table description 300; and 3) field descriptions 400 which provide details of fields within that table. The table definition 150 can be repeated for as many tables as required…

The field descriptions 400 include the field identifier (column 1), the field names (column 2), size (column 3), data format (column 4), and justification parameters (column 5) which may be needed by the mapping process to determine the physical format of the table.

Accordingly, the limitation of "receiving at least one pattern descriptor selected from a graphical user interface," which is required by claims 1, 9, 15, 22, and all remaining claims by virtue of dependency, is simply not present in the Webber disclosure. The examiner's assertions to the contrary are simply not contained within the Webber reference, and as shown above, the specific portion of the Webber reference cited by the examiner does not provide the disclosure that the examiner describes.

While Webber is solving the same type of problem as the present invention, the specific problem Webber solves is much more narrow than the problem solved by the present invention, and the approach used by Webber is fundamentally different than the present invention. The main difference between the problem addressed by Webber and the problem addressed by the present invention is that the Webber is concerned with translating data between a first, pre-defined format which is recognized by the Webber system, into a second format, which is also pre-defined and recognized by the Webber system, yet which is dissimilar from the first format. In contrast, the present invention is directed towards translating multiple data sets that include data sets that are NOT pre-defined or recognized by the system into a common format. As a result of the differences between these two problems, the present invention is compelled to take a decidedly different approach than that taken by

Webber, because the approach taken by Webber would not work for translating data sets whose structures were not pre-defined and already recognized by the Webber system.

In Webber, the template mapping system does not need to be configured using a pattern descriptor, because the Webber method is configured in advance to recognize the patterns in the data structures of the data used as input to Webber. Accordingly, Webber simply accesses the table field layouts from the sending computer, which are then dynamically input into the template mapping system. While this limits the types of data structures that can be input into the Webber system, no intervention from the graphical user interface is required. Because the first computer in Webber is already configured to recognize the data structures given as input, the Webber system automatically configures the template mapping system with no input from a user. As stated by Webber:

> The table field layouts 40 are typically supplied by the sending computer and are dynamically input to the template mapping system 10 for use in processing the input dataset. The table field layouts 40 describe the names and maximum sizes of the various fields (in bytes) for each table. FIG. 3 is a diagram showing the general components of a table field layout (at left) mapped to an actual exemplary table field layout (at right). The table field layout is for a manifest history and manifest summary dataset.

In contrast, the present invention is configured to be able to handle patterns in the data structures that are NOT already known (or "manifest" to use the language of Webber). The drawback of the present invention, when compared to Webber, is that the unlike Webber, the present invention does not generate the template mapping system with no input from the user. The advantage of the present invention, when compared to Webber, is that the present invention is able to translate a much broader range of data into a common format, because the pattern descriptor is received from a graphical user interface. It is for this reason that claim 1

of the present invention includes the step of "receiving at least one pattern descriptor selected from a graphical user interface," and this step distinguishes the present invention from Webber.

At column 10, lines 3-7 Webber also recites that "...the template mapping system 10 is capable of performing a robust, flexible translation of a fixed-structure inbound dataset in the following manner..." It is thus plain that Webber is only manipulating data in a fixed-structure, and that the method demonstrated by Webber wouldn't work with the unstructured data sources that the present invention is configured to manage, and which are specifically claimed in claim 29.

With respect to Lennon, US Pat. No. 7,287,018 the applicant notes that Lennon also does not provide the teaching of "receiving at least one pattern descriptor selected from a graphical user interface," that is required by claims 1, 14, 22 and all remaining claims by virtue of dependency, and which is also missing from Webber. Further, the Lennon reference describes a method for browsing electronically-accessible resources using descriptions of the resources, wherein the descriptions of the resources have descriptor components. As such, the Lennon reference has absolutely nothing whatsoever to do with extracting and converting data from one or more information sources into a common format, and the data for which Lennon teaches that the representation values for many descriptors can be complex datatypes that can be represented in a hierarchical fashion has nothing whatsoever to do with storing said data in a common format in a storage bin, as required by the limitations of claims 1, 14, 22 and all remaining claims by virtue of dependency.

The examiner concedes that Webber does not teach that "the pattern descriptor is selected." The examiner then alleges that Lennon provides this teaching and recites that Lennon teaches "pattern descriptors are selected as a tool to perform processing such as transformations, presentations, etc." and references column 15, lines 65 through 16, line 17.

The examiner has thus mischaracterized the teaching of the reference. Just as Webber does not teach that "the pattern descriptor is selected", neither does Lennon. In the claim, the applicant has plainly set forth that the "pattern descriptor [is] selected from a graphical user interface." To meet this limitation of the claim, the examiner has stated that Lennon shows a pattern descriptor being "selected," presumably from a GUI. However, this is clearly NOT the case. The referenced section of Lennon reads as follows:

> The preferred DDF also uses an API for the processing of descriptions. This enables applications and tools to perform further processing (eg., transformations, presentations, etc.) on serialised descriptions. The preferred API, which is described further in Section 2.3, is based on the Document Object Model called the DOM, which has been standardised by the W3C for use with XML documents.
>
> The DesOM API also enables the application of rule-based processing, which can be used to: Extend a description by inferring the presence of additional descriptors based on the existence or absence of stored descriptors; Influence/control the presentation of a description; Select descriptions or components of descriptions; Translate a stored description into another language on the basis of requirement; Transform a description to use a new description scheme. This rule-based processing is described in more detail in Sections 7 to 11.

As is readily apparent, this section of Lennon shows an automated processing of descriptions by the DDF using an API. Lennon's processing has nothing whatsoever to do with input from a GUI. Instead, Lennon is describing "rule-based processing" that is used to manipulate the descriptions. In short, Lennon has nothing whatsoever to do with "extracting and converting data from one or more information sources into a common format" as is required by the pending claims, and the only way that the examiner can even assert that Lennon shows one aspect of the applicant's claims is by mischaracterizing Lennon's teaching on the process by which Lennon "selects a pattern descriptor." Accordingly, neither Webber, nor Lennon, nor the combination of Webber Lennon remotely teach the step of "receiving at least one pattern descriptor selected from a graphical user interface."

Accordingly, the Webber and Lennon references cannot possibly form a prima facie case of obviousness, because the Webber and Lennon references, either alone or in combination, do not teach all the claimed elements of claims 1, 9, 15, 22, and all remaining claims by virtue of dependency. The applicant therefore respectfully requests that the examiner remove her rejection of claims 1, 9, 15, 22, and all remaining claims by virtue of dependency under 35 USC 103(a) as being obvious over Webber, US Patent No. 5,909,570 in view of Lennon, US Patent No. 7,287,018.

With respect to claims 8, 14, and 22, the examiner admits that Webber does not teach "storage bins consisting of an input bin, a wait bin, an incomplete bin, and a complete bin." The examiner then alleges that provides this teaching when Lennon describes "descriptors can be complex data types that can be represented in a hierarchical fashion such as bins", and references column 15, lines 51-64. This statement by the examiner is a non-sequitor. Even if Lennon teaches that "descriptors can be complex data types that can be represented in a hierarchical fashion such as bins" this is not the same thing as showing the step of "storing of said data in said common format is selected from a group of storage bins consisting of an input bin, a wait bin, an incomplete bin, and a complete bin" as is required by the limitations of claims 8, 14 and 22.

The referenced section of Lennon reads as follows:

> The object model provides the core semantics of the description and is based on the descriptor entity. This model has the advantage that the containment relationship is inherent in the model. This containment relationship is particularly important in the description of audiovisual resources for two reasons. First, the structure of many audiovisual resources has an inherent hierarchical structure (eg., a video clip contains shots which contain key frames, etc.). Second, the representation values for many descriptors can be complex datatypes that can be represented in a hierarchical fashion (eg., a histogram contains bins which contain frequencies). The object model of the preferred DDF is called the Description Object Model DesOM). It is discussed in Section 2.2.

Thus, contrary to the examiner's assertion, Lennon does NOT say that "complex data types that can be represented in a hierarchical fashion such as bins." Rather, what Lennon says is that complex datatypes can be represented in a hierarchical fashion, and then provides the example of a histogram that contains bins. Lennon says that the bins can be used as part of a hierarchical representation. Not that the bins themselves ARE the hierarchical representation. Thus, it is simply wrong as a factual matter to suggest that Lennon shows the bins as constituting a "hierarchical representation", but even if Lennon did provide this teaching, this teaching still does not include the step of "storing of said data in said common format is selected from a group of storage bins consisting of an input bin, a wait bin, an incomplete bin, and a complete bin" as is required by the limitations of claims 8, 14 and 22.

Accordingly, the Webber and Lennon references cannot possibly form a prima facie case of obviousness, because the Webber and Lennon references, either alone or in combination, do not teach the claimed elements of claims 8, 14 and 22. The applicant therefore respectfully requests that the examiner remove her rejection of claims 8, 14 and 22, and all claims dependent therefrom, under 35 USC 103(a) as being obvious over Webber, US Patent No. 5,909,570 in view of Lennon, US Patent No. 7,287,018.

Conclusion

The applicant has made a good faith attempt to place the application and claims in condition for allowance, and action towards that end is hereby requested. In the event that the application is not allowed, the applicant respectfully requests that the examiner enter the proposed amendments to place the application in better condition for appeal. The examiner is invited to contact the undersigned should the examiner have any questions or comments.

Respectfully submitted,

/s/
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The undersigned hereby certifies that the forgoing preliminary amendment was submitted to the United States Patent and Trademark Office using the electronic filing system in accordance with the Office electronic filing system requirements as set forth at 37 CFR § 1.6 on the date set forth below.

/s/
Douglas E. McKinley, Jr.   August 19, 2009
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